

Order

Michigan Supreme Court
Lansing, Michigan

October 3, 2012

ADM File No. 2011-08

Amendment of Rule 2.116
of the Michigan Court Rules
(clarifying grounds for
enforcement of forum selection)

Robert P. Young, Jr.,
Chief Justice

Michael F. Cavanagh
Marilyn Kelly
Stephen J. Markman
Diane M. Hathaway
Mary Beth Kelly
Brian K. Zahra,
Justices

On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comment received, the following amendment of Rule 2.116 of the Michigan Court Rules is adopted, effective January 1, 2013.

[Additions to the text are indicated in underlining and deleted text is shown by strikeover.]

Rule 2.116 Summary Disposition

(A)-(B) [Unchanged.]

(C) Grounds. The motion may be based on one or more of these grounds, and must specify the grounds on which it is based:

(1)-(6) [Unchanged.]

(7) ~~The claim is barred~~ Entry of judgment, dismissal of the action, or other relief is appropriate because of release, payment, prior judgment, immunity granted by law, statute of limitations, statute of frauds, an agreement to arbitrate or to litigate in a different forum, infancy or other disability of the moving party, or assignment or other disposition of the claim before commencement of the action.

(8)-(10) [Unchanged.]

(D)-(J) [Unchanged.]

Staff Comment: Inclusion of the revised language in MCR 2.116(C)(7) clarifies the procedure for bringing a motion for summary disposition on the grounds of a forum selection clause.

The staff comment is not an authoritative construction by the Court.



I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 3, 2012

Corbin R. Davis

Clerk